

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ANTHONY MICHEAL BRADY,

4 Plaintiff

Case No. 3:20-cv-174-RCJ-WGC

ORDER

5 v.

6 BENJAMIN ESTILL, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).
12 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed
13 *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
15 application to proceed *in forma pauperis* on this Court’s approved form and attach both
16 an inmate account statement for the past six months and a properly executed financial
17 certificate. Plaintiff has submitted a completed Financial Certificate and Inmate Account
18 Statement at ECF No. 1-2, however, Plaintiff has not submitted an application to proceed
19 *in forma pauperis* on this Court’s approved form. The Court will retain Plaintiff’s civil rights
20 complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee
21 is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in*
22 *forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff
23 chooses to file an application to proceed *in forma pauperis*, he must file a fully complete
24 application to proceed *in forma pauperis* on this Court’s approved form, including both an
25 inmate account statement for the past six months and a properly executed financial
26 certificate.

27 **II. CONCLUSION**

28 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND

1 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
2 as the document entitled information and instructions for filing an *in forma pauperis*
3 application.

4 IT IS FURTHER ORDERED that within **sixty (60) days** from the date of this order,
5 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
6 the correct form with complete financial attachments in compliance with 28 U.S.C. §
7 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
8 fee and the \$50 administrative fee).

9 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
10 dismissal of this action may result.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
12 (ECF No. 1-1) but will not file it at this time.

13 DATED: March 20, 2020

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15 William G. Cobb
16 UNITED STATES MAGISTRATE JUDGE
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